

**MINUTES OF THE MILLVILLE
TOWN COUNCIL MEETING
December 11, 2012 @ 7:00PM**

In attendance were Mayor Gerry Hocker, Deputy Mayor Jon Subity, Council Members Robert Gordon, Joan Bennett and Harry Kent. Town Solicitor Seth Thompson, Town Manager Debbie Botchie, and Town Clerk Matt Amerling.

1. CALL TO ORDER:

Mayor Hocker called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Hocker led the pledge of allegiance and welcomed Boy Scout Troop 281.

3. ADOPTION OF TOWN COUNCIL MINUTES AND NOTES:

Council Member Joan Bennett motioned to accept the Council minutes of November 13, 2012, the Executive Session minutes of November 13, 2012, and the Workshop Notes of November 27, 2012. Council Member Kent seconded her motion.
Motion carried 5-0.

4. TREASURER'S REPORT:

Council Member Joan Bennett presented the Financial Report for month ending 11/30/12.

November 30, 2012:

General Revenue: \$ 44,078.	General Expenses: \$ 30,260.
Restricted Revenue: 34,000.	Restricted Expenses: 1,301.

Council Member Bennett noted the unrestricted funds total for the Town as of 11/30/12 was \$1,306,690, and the restricted funds total was \$3,034,225.

Deputy Mayor Subity motioned to accept the Treasurers Report.

Council Member Gordon seconded his motion.

Motion carried 5-0.

5. ADMINISTRATIVE REPORT:

Ms. Botchie stated she had nothing to report.

6. SWEARING IN OF DANA RYER TO THE BOARD OF ADJUSTMENT - TOWN SOLICITOR

7. OLD BUSINESS:

- A. Discuss and possible vote of "Right of Entry" agreement between the Town of Millville and DelDOT. *Synopsis:* Town Solicitor reviewed the agreement with the Town Council at the November 27 Workshop. This agreement will allow DelDOT to enter the Town's property to begin construction.
Town Solicitor Thompson stated the Council members should have the two different "Right of Entry" agreements for the Town's two parcels, with the agreements containing the changes agreed upon at the November 27, 2012, Town Workshop meeting. Mr. Thompson stated this included in the third paragraph, the addition of the sentence "The aforementioned sum shall be credited against the total purchase price or just compensation for the right-of-way" so it is clear this is not the only amount of money the

Town is receiving. Mr. Thompson also mentioned there were a few typographical errors, the suggestion of changing the word “settlement” to “purchase agreement” on the second page, which reiterates this as the first step in the process, and the change of a reasonable time for condemnation to “not greater than 120 calendar days from the execution by all parties of this Agreement.” Mr. Thompson stated on the exhibits the lighter brown wording was the permanent right of way, while the darker brown was temporary construction.

Council Member Bennett asked Town Manager Botchie if she had had any other correspondence with DelDOT other than Ms. Ida Parrot regarding the appraisal. Ms. Botchie stated she had not. Council Member Bennett inquired Ms. Botchie if there was anything in place for Code & Building Administrator Eric Evans to make sure the well or any underground pipes would not be run over by the digging. Ms. Botchie stated she had just seen the plan and did not know. Council Member Bennett stated the plan had the digging close to the building and wanted Council to keep in mind the concerns of proximity to Town Hall when the work begins.

Ms. Botchie asked Mr. Thompson to briefly describe to Boy Scout Troop 281 the “Right of Entry” document. Mr. Thompson informed the Troop.

Council Member Bennett motioned to pass the “Right of Entry” agreement as presented for tax parcel 134-12.00-156.00, and the “Right of Entry” agreement as presented for tax parcel 134-12.00-158.12. The Resolution was seconded by Deputy Mayor Subity. The motion was carried 5-0.

8. PROPERTY OWNERS/AUDIENCE COMMENTS:

Willie Coffey, of Bethany Beach, stated that he is a Denton Mills property owner of two investment lots behind the Dollar General in Millville. Mr. Coffey stated as a property owner, he had no idea that the Dollar General was being built. Mr. Coffey stated Mr. Evans informed him the Town had the construction on the agenda. Mr. Coffey stated he researched and found a Town agenda from a year ago stating the consideration of an “application for a site plan submitted by Zarumba Program Development as a possible retail store on the properties located at 35178 Atlantic Avenue and ...” Mr. Coffey stated he did not know how the average person would know the building of a retail store by reading the agenda. Mr. Coffey wanted to know why there could not be a phone or email notification to notify residents of these developments. Mr. Coffey asked the Council to have more consideration for the property owners. Mr. Coffey stated another issue that the Dollar General’s lights are too bright. Mayor Hocker stated the lights had been resolved, and if there is still light encroaching to the back of the store, Dollar General will have to change that. Ms. Botchie stated the notification process comes from the zoning code which is part of the Planning & Zoning, and the Town does what it is required by law to do, which is the notice to the people. Mr. Coffey asked again about the Town sending out notification letters to the public affected by a future land development. Ms. Botchie said the notification process would be restrictive and maybe not reach other community members. Mr. Coffey asked why the Town could not notify the public with a telephone call with the next meeting’s agenda. Ms. Botchie stated they are posted on the Town’s website. Mr. Thompson stated from a legal standpoint, this involved a site plan which does not require additional notification to residents. Ms. Botchie added not every citizen can be called via telephone for notifications because there are people who ask to be taken off call lists, such as for the Millville Farmer’s Market. Mayor Hocker stated the Town follows the laws of the State as well as the Town’s Code. Mayor Hocker further stated whenever a person requests a zoning change, there is no requirement to specify what the intentions are for the particular property and the builder does not have to disclose any more

information.

Barb Ryer, of Blue Heron Drive, stated she visited Code and Building Administrator Eric Evans to drop off paperwork for volunteer work regarding participating with writing up the bid for a fire suppression system in Town Hall.

Linda Kent, of Cypress Point Trail, stated she and Council Member Kent are ready for the January 29, 2013, annual meeting at DVA to connect with the vendors for the Millville Farmer's Market. Ms. Kent stated she will be in touch with Ms. Botchie on the letter to the vendors.

Town Manager Botchie stated the Millville volunteers received a Certificate of Appreciation from the Delaware Retired Seniors Volunteer Program (RSVP) for volunteering a total of 1,016.5 hours in 2012.

9. ANNOUNCEMENT OF NEXT MEETING:

Mayor Hocker announced the next meeting of the Council would be on January 8, 2013, at 7 p.m., and there will be no Town Workshop in December due to it falling on Christmas Day.

10. ADJOURNMENT:

Council Member Gordon motioned to adjourn the meeting at 7:35 p.m. Council Member Kent seconded his motion. Motion carried 5-0.

Respectfully submitted,
Matt Amerling, Town Clerk